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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,128	09/30/2003	Rudolf Engl	1825.003US1	3900

21186 7590 10/16/2009
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EXAMINER

GAMI, TEJAL

ART UNIT	PAPER NUMBER
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2121

NOTIFICATION DATE	DELIVERY MODE
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10/16/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com
request@slwip.com

Office Action Summary	Application No. 10/677,128	Applicant(s) ENGL ET AL.	
	Examiner TEJAL J. GAMI	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/30/2003</u> . | 6) ☐ Other: _____ |

DETAILED ACTION

1. This office action is responsive to an ELECTION/RESTRICTION entered July 8, 2009 for patent application 10/677128.

Election/Restrictions

2. Applicant's election without traverse of claims 1-6 and 17-20 in the reply filed on July 8, 2009 is acknowledged.

Claims 7-16 and 21-25 have been cancelled from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07/08/2009.

Status of Claims

3. As a response to the June 8, 2009 Election/Restriction requirement, Applicant made amendments to claim 17; elected claims 1-6 and 17-20; and cancelled claims 7-16 and 21-25 from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected invention.

Claims 1-6 and 17-20 are now presented for examination in this office action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by “MiniSafe MS4600 Series Safety Light Curtain,” MiniSafe MS4600 Installation and Operating Manual, (07/08/1999), pages 1-39.

As to independent claim 1, MiniSafe discloses an apparatus comprising:

a housing assembly including a housing having a first face and one or more end caps (e.g., removable end cap 3; inside receiver end cap 10) (see Figure F-1 on Page 39; and Page 4), the housing assembly including an access port therein (e.g., access to configuration switches 3) (see Figure F-1 on Page 39; and Page 4);

programmable controls coupled with the housing assembly (e.g. program button 4) (see Figure F-1 on Page 39; and Page 4);

a teaching actuator (e.g., switch settings) operatively coupled with the programmable controls (e.g., programming exact channel select) (see Page 10); and

an access member (e.g., machine primary control element MPCE monitoring) coupled with a portion of the housing assembly (e.g., MiniSafe) (see Page 11), the access member having a closed position (e.g., CLOSED) and an open position (e.g.,

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OPEN) (see Page 11), the access member (e.g., MPCE) (see Page 11) preventing access (e.g., the protected machine is not allowed to operate; regardless of button press and release) (see Page 5 for Machine Stop and Fault) to the programmable controls and the teaching actuator (e.g., Output Signal Switching Device OSSD) (see Page 11) through the access port (see Figure F-1 on Page 39; and Page 4) when the access member is disposed in the closed position (e.g., OFF state) (see Page 5 for Machine Stop and Fault).

As to independent claim 17, MiniSafe discloses an apparatus comprising:

a housing assembly including a housing having a first face and one or more end caps (e.g., removable end cap 3; inside receiver end cap 10) (see Figure F-1 on Page 39; and Page 4), the housing assembly including an access port therein (e.g., access to configuration switches 3) (see Figure F-1 on Page 39; and Page 4);

programmable controls coupled with the housing assembly (e.g. program button 4) (see Figure F-1 on Page 39; and Page 4);

a teaching actuator (e.g., switch settings) operatively coupled with the programmable controls (e.g., programming exact channel select) (see Page 10);

an access member (e.g., machine primary control element MPCE monitoring) coupled with a portion of the housing assembly (e.g., MiniSafe) (see Page 11), the access member (e.g., MPCE) (see Page 11) preventing access (e.g., the protected machine is not allowed to operate; regardless of button press and release) (see Page 5 for Machine Stop and Fault) to the programmable controls through the access port (e.g., access to configuration switches 3) (see Figure F-1 on Page 39; and Page 4) and the

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teaching actuator (e.g., Output Signal Switching Device OSSD) (see Page 11) when the access member is disposed in a closed position (e.g., OFF state) (see Page 5 for Machine Stop and Fault), and the access member (e.g., MPCE) (see Page 11) prevents unauthorized access to the programmable controls (e.g., the protected machine is not allowed to operate; regardless of button press and release) (see Page 5 for Machine Stop and Fault).

As to dependent claim 2, MiniSafe teaches the apparatus as recited in claim 1, further comprising a fastener (e.g., guarded machine) (see Page 21 note 2) coupled with the access member (e.g., machine primary control element MPCE monitoring) (see Page 11), wherein the fastener prevents unauthorized access to the programmable controls (e.g., the protected machine is not allowed to operate; regardless of button press and release) (see Page 5 for Machine Stop and Fault).

As to dependent claim 3, MiniSafe teaches the apparatus as recited in claim 1, wherein the access member is disposed on a transmitting side of the housing assembly (e.g., transmitter 11) (see Figure F-1 on Page 39).

As to dependent claim 4, MiniSafe teaches the apparatus as recited in claim 1, wherein the programmable controls comprise dip switches (e.g., switch settings) (see Page 10).

As to dependent claim 5, MiniSafe teaches the apparatus as recited in claim 1, further comprising one or more visual indicators (e.g., status 12) (see Figure F-1 on Page 39; and Page 4).

As to dependent claim 6, MiniSafe teaches the apparatus as recited in claim 5, wherein the teaching actuator is released in a predetermined amount of time after cessation of visual indication of the visual indicators (e.g., operator must press and release the START button) (see Page 6 Start Interlock), and programming of the programmable controls is implemented (e.g., programming exact channel select) (see Page 6 Start Interlock; and Page 10).

As to dependent claim 18, MiniSafe teaches the apparatus as recited in claim 17, further comprising a means for preventing unauthorized programming of the programmable controls (e.g., the protected machine is not allowed to operate; regardless of button press and release) (see Page 5 for Machine Stop and Fault).

As to dependent claim 19, MiniSafe teaches the apparatus as recited in claim 17, further comprising one or more visual indicators (e.g., status 12) (see Figure F-1 on Page 39; and Page 4).

As to dependent claim 20, MiniSafe teaches the apparatus as recited in claim 19, wherein the teaching actuator is released in a predetermined amount of time after cessation of visual indication of the visual indicators (e.g., operator must press and release the START button) (see Page 6 Start Interlock), and programming of the programmable controls is implemented (e.g., programming exact channel select) (see Page 6 Start Interlock; and Page 10).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejal J. Gami whose telephone number is (571) 270-1035. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Albert DeCady/
Supervisory Patent Examiner, Art
Unit 2121

/TJG/